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6 Attorneys for Plaintiff  
United States of America  
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8 IN THE UNITED STATES DISTRICT COURT  
9  
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

CASE NO. 1:24-MJ-00023-SKO

11 Plaintiff,

STIPULATION REGARDING EXCLUDABLE  
12 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
13 ORDER

v.

ALEXANDER REY DIAZ, SR.,

14 Defendant.  
15

16 1. The parties agree and stipulate to set a preliminary hearing in this matter on March 13, 2024,  
17 at 2:00 p.m. before the duty magistrate, and to exclude time between March 7, 2024, and  
18 March 13, 2024.

19 2. The parties agree and stipulate, and request that the Court find the following:

20 a. Counsel for defendant is currently engaged in a federal trial. Counsel for defendant  
21 desires additional time to consult with her client, conduct further investigation, and  
22 further discuss charges with the government.

23 b. Counsel for defendant believes that failure to grant the above-requested continuance  
24 would deny her the reasonable time necessary for effective preparation, taking into  
25 account the exercise of due diligence.

26 c. The government does not object to the continuance.

27 d. Pursuant to F.R.Cr.P. 5.1(c) and (d), a preliminary hearing must be held “no later than  
28

14 days after initial appearance if the defendant is in custody," unless the defendant  
2 consents and there is a "showing of good cause." Here, the defendant consents and  
3 there is good cause as set forth herein.

4 e. Based on the above-stated findings, the ends of justice served by continuing the case  
5 as requested outweigh the interest of the public and the defendant in an indictment or  
6 trial within the original dates prescribed by the Speedy Trial Act.  
7 f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et  
8 seq., within which an indictment must be filed and within which a trial must  
9 commence, the time period of March 7, 2024, to March 13, 2024, inclusive, is  
10 deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results  
11 from a continuance granted by the Court at defendant's request on the basis of the  
12 Court's finding that the ends of justice served by taking such action outweigh the best  
13 interest of the public and the defendant in a speedy indictment/trial.

14 Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy  
15 Trial Act dictate that additional time periods are excludable from the period within which an indictment  
16 must be filed and a trial must commence.

17 Dated: March 5, 2024

PHILLIP A. TALBERT  
United States Attorney

19 /s/ JUSTIN J. GILIO  
20 JUSTIN J. GILIO  
Assistant United States Attorney

22 Dated: March 5, 2024

/s/ Galatea Delapp  
GALATEA DELAPP  
Attorney for Alexander Rey Diaz Sr.

## **ORDER**

IT IS SO ORDERED that the preliminary hearing is continued from March 7, 2024 to **March 13, 2024, at 2:00 p.m. in Courtroom 9 before Magistrate Judge Stanley A. Boone**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: March 6, 2024

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE